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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/701,869	11/05/2003	Todd M. Goin	200310588-1	6726
22879 7590 05/02/2007 HEWLETT PACKARD COMPANY P O BOX 272400, 3404 E. HARMONY ROAD INTELLECTUAL PROPERTY ADMINISTRATION FORT COLLINS, CO 80527-2400			EXAMINER TRAN, NGHI V	
			ART UNIT 2151	PAPER NUMBER
			MAIL DATE 05/02/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/701,869	Applicant(s) GOIN ET AL.	
	Examiner Nghị V. Tran	Art Unit 2151	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
 - If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
 - Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 05 November 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-20 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-20 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date <u>11/05/2003</u> | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

1. Claims 1-20 are presented for examination.

Claim Objections

2. Claim 5 is objected to because of the following informalities: the applicants missed a period at the end of the claim. Appropriate correction is required.

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1 and 4-8 are rejected under 35 U.S.C. 102(e) as being anticipated by Grieve et al., United States Patent Application Publication Number 2003/0149756 (hereinafter Grieve).

5. With respect to claim 1, Grieve teaches a method of adjusting relative value of implemented computer configuration changes [see abstract and paragraphs 0007-0009], the method comprising:

- identifying computer configuration changes in a computer system [i.e. the system will detect the new device as having a configuration, which has changed since its last update, paragraph 0151];
- obtaining performance metrics for the computer system before and after computer configuration changes [i.e. comparing old and new configurations] implemented in the computer system [paragraph 0033 and see abstract]; and
- assessing effectiveness of the computer configuration changes based on the obtained performance metrics [paragraphs 0116-0162].

6. With respect to claim 4, Grieve further teaches removing computer configuration changes not resulting in performance improvements from future recommendation sets [paragraphs 0026, 0045, 0049, 0072, 0080, 0082, 0098, 0114, and 0151].

7. With respect to claim 5, Grieve further teaches summarizing recommended actions identified for a computer user, configuration changes implemented, and the resulting change in performance [i.e. schedule summary 205, paragraphs 0042 and 0083].

8. With respect to claim 6, Grieve further teaches providing a report with performance trends on a plurality of computer systems where recommended configuration changes are not implemented [see abstract and fig.10].

9. With respect to claim 7, Grieve further teaches analyzing computer metrics on the computer system and proposing configuration changes based on the analysis of computer metrics [fig.1 and paragraph 0004].

10. With respect to claim 8, Grieve further teaches wherein obtaining performance metrics for the computer system before and after computer configuration changes comprises accessing stored computer metrics in a database [i.e. database manager 108, fig.1].

Claim Rejections - 35 USC § 103

11. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

12. Claims 2-3 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieve as applied to claim 1 above, and further in view of Little et al., United States Patent Number 6,678,639 (hereinafter Little).

13. With respect to claim 2, Grieve does not explicitly show increasing priority values for computer configuration changes resulting in performance improvements, the priority

values being used for priority of the computer configuration changes in future recommendation sets.

In a configuration method, Little suggests increasing priority values for computer configuration changes resulting in performance improvements, the priority values being used for priority of the computer configuration changes in future recommendation sets [see abstract and col. 2, ll. 09-42].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grieve in view of Little by increasing priority values for computer configuration changes resulting in performance improvements because this feature might instruct the user that when a new hardware or software system is being deployed [Little, col. 20, ll. 23-63]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to instruct the user to upgrade the firmware to the latest firmware [Little, col. 7, ll. 59-67].

14. With respect to claim 3, Grieve does not explicitly show classifying computer configuration changes not resulting in performance improvements as secondary recommendations in future recommendation sets.

In a configuration method, Little further teaches classifying computer configuration changes not resulting in performance improvements as secondary recommendations in future recommendation sets [fig.29 and col.7, ll.16 through col.8, ll.62].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grieve in view of Little by classifying computer configuration changes not resulting in performance improvements as secondary recommendations in future recommendation sets because this feature might instruct the user that when a new hardware or software system is being deployed [Little, col. 20, ll. 23-63]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to instruct the user to upgrade the firmware to the latest firmware [Little, col. 7, ll. 59-67].

15. Claims 9-20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Grieve in view of Little.

16. With respect to claims 9, 11, and 14-18, Grieve teaches a system [see abstract and paragraphs 0007-0009] comprising:

- hardware components in a computer system [fig.1];
- installed software in the computer system [fig.1];
- configuration settings indicating configuration conditions for the hardware components and the installed software [fig.1]; and
- programmed instructions configured to: identify implemented configuration changes in the computer system [paragraph 0151]; collect performance metrics associated with the computer system having the identified

implemented configuration changes [see abstract and paragraphs 0033 and 0116-0162].

However, Grieve does not explicitly show weight effectiveness of the identified implemented configuration changes.

In a configuration method, Little suggests weight effectiveness of the identified implemented configuration changes [see abstract and col. 2, ll. 09-42].

Therefore, it would have been obvious to one of ordinary skill in the art at the time of the invention was made to modify Grieve in view of Little by because this feature might instruct the user that when a new hardware or software system is being deployed [Little, col. 20, ll. 23-63]. It is for this reason that one of ordinary skill in the art at the time of the invention would have been motivated in order to instruct the user to upgrade the firmware to the latest firmware [Little, col. 7, ll. 59-67].

17. With respect to claim 10, Grieve further teaches programmed instructions configured to analyze the computer system and propose configuration changes based on the analysis [fig.1 and paragraph 0004].

18. With respect to claims 12 and 19, Grieve further teaches programmed instructions configured to provide reports on implemented configuration changes [i.e. schedule summary 205, paragraphs 0042 and 0083].

19. With respect to claims 13 and 20, Grieve further teaches wherein proposed

configuration changes with low weighted effectiveness are removed from a recommendation set [paragraphs 0026, 0045, 0049, 0072, 0080, 0082, 0098, 0114, and 0151].

Conclusion

20. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- a. "Automatic remote firmware update," by Weyand et al., United States Patent Number 6,930,785.
- b. "Control of software via bundling," by Smith et al., United States Patent Number 7,158,248.
- c. "Method and apparatus for configurable data collection on a computer network," by Greuel, United States Patent Application Publication Number 2002/0161861.
- d. "Method for tracking configuration changes in networks of computer systems through historical monitoring of configuration status of devices on the network," by Steele et al., United States Patent Number 6,282,175.

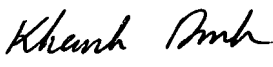
21. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Nghi V. Tran whose telephone number is (571) 272-4067. The examiner can normally be reached on Monday-Thursday and every other Friday (6:30-4:00).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Zarni Maung can be reached on (571) 272-3939. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

Nghi Tran
Patent Examiner
Art Unit 2151

April 28, 2007


KHANH DINH
PRIMARY EXAMINER
TECHNOLOGY CENTER 2100